

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE ORGANOGENESIS SECURITIES  
LITIGATION

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:  
: Case No.: 1:04cv10027-JLT  
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:

**PLAINTIFFS' ASSENTED-TO MOTION**  
**TO FILE REPLY TO DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR**  
**PROTECTIVE ORDER AND TO FILE THE REPLY UNDER SEAL**

Pursuant to Local Rule 7.1(B)(3), Plaintiffs seek leave to file a Reply to the Defendants' Opposition to Plaintiffs' Motion for Protective Order. As grounds for this motion, plaintiffs state that Plaintiffs believe the matters in the Reply are relevant to the motion pending before the Court and respond specifically to issues raised in the Defendants' Opposition. Plaintiffs believe that the Reply will aid the Court in its adjudication of the motion.

Plaintiffs further move this Court for leave to file the Reply under seal. As grounds for this motion, Plaintiffs state that Paragraph 5 of the Joint Protective Order entered on July 26, 2006, which governs the handling of confidential material filed in this action requires "a party filing any portion of briefs, pleadings or other filings with the court that contain or refer to Confidential Material" to attempt to have the Confidential Material filed under seal. The Reply contains excerpts from and references to material that is designated as Confidential Material.

Defendants assent to both the filing of a Reply and the filing of that Reply under seal.

WHEREFORE, Plaintiffs respectfully request that this Court grant leave for

- 1) Plaintiffs to file a Reply to Defendants' Opposition to Plaintiffs Motion for Protective Order; and

2) Plaintiffs to file the Reply under seal.

Dated: October 12 , 2006

Respectfully submitted,

**MOULTON & GANS, P.C.**

By: /s/ Nancy Freeman Gans

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**Lead Counsel for Plaintiffs and the Class**

**CERTIFICATION PURSUANT TO LOCAL RULES 7.1 AND 37.1**

I, Nancy Freeman Gans, hereby certify that I conferred via email on September 27, 2006, concerning the motion to file a Reply and on October 3, 2006 concerning the motion to file the Reply under seal with Jonathan A. Shapiro, Esquire, and Peter Kolovos, Esquire, Wilmer Cutler Pickering Hale and Dorr LLP, counsel for Defendants Donna Abelli Lopolito, Michael Sabolinski, Philip Laughlin, and Albert Erani, with Peter Saparoff, Esquire, Mintz, Levin, Cohn, Feris Glovsky and Popeo, P.C., counsel for Defendant Herbert M. Stein; and Sara Jane Shanahan, Esquire, Griesinger, Tighe & Maffei, LLP, counsel for Defendant John J. Arcari. Defendants assent to this Motion to file a Reply and to file it under seal.

/s/ Nancy Freeman Gans

Nancy Freeman Gans

**CERTIFICATE OF SERVICE**

I, Nancy Freeman Gans, hereby certify that a true copy of the above document was served upon the attorney of record for each party via ECF.

/s/ Nancy Freeman Gans  
Nancy Freeman Gans